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September 17, 2013

VIA ECF

Judge Stanley R. Chesler
United States District Court
District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

**Re: Obarski v. United Collection Bureau
12-cv-7788-SRC-CLW**

Dear Judge Chesler:

My office represents defendant United Collection Bureau, Inc. ("UCB").

On July 23, 2013, we moved, on behalf of our client, to dismiss the Complaint pursuant to Fed.R.Civ.P. 12(b)(6).

On September 3, 2013, Your Honor issued an Order permitting UCB an extension of time to file a Reply due to Mr. Obarski's untimely service of Opposition to the motion. Your Honor so-ordered that UCB's Reply must be filed by September 13, 2013.

Unfortunately, I am writing Your Honor to advise that there has been some procedural confusion in this matter. Mr. Obarski, who is a *pro se* plaintiff, served a Motion For Leave to Amend. We waited for some time for the motion to appear on the docket as filed because we believed there may be some delay in the motion appearing on the docket because Mr. Obarski, as a *pro se* plaintiff, does not have access to electronically file the motion himself. To date, Mr. Obarski's motion to amend does not appear on the Court's docket as having been filed.

This caused my office some confusion because having been served with the motion to amend, we believed (1) Mr. Obarski filed the motion to amend with the Court; and (2) Mr. Obarski's Amended Complaint would supersede his original Complaint, rendering UCB's motion to dismiss a nullity.

I was unable confirm with Mr. Obarski that he did not ultimately file the motion to amend because he did not provide a telephone number where he could be reached.

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The Honorable Steven M. Gold
United States District Court
September 17, 2013
Page 2

Therefore, on Monday September 16, 2013, I advised Your Honor's law clerk of the situation. Your Honor's law clerk advised that the Court does not have any record of Mr. Obarski filing of the motion.

It appears that Mr. Obarski's Motion to Amend was served on my office, but ultimately never filed with the Court.

Given this unusual situation, UCB respectfully requests a brief extension of time to file a Reply in further support of their motion to dismiss the original complaint.

UCB requests that the return date of their motion to dismiss be adjourned to the next scheduled motion day, October 7, 2013. Therefore, UCB's deadline for filing a Reply would be September 30, 2013.

Thank you for your consideration of the above. I look forward to further instruction from the Court.

Respectfully Yours,

By: Shari Sckolnick
Shari Sckolnick

Cc: **Via First Class Mail**
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